

2007 ASSEMBLY BILL 272

April 23, 2007 – Introduced by Representatives MASON, HINTZ, HILGENBERG, GARTHWAITE, HRAYCHUCK, JORGENSEN, SOLETSKI, SMITH and HIXSON. Referred to Committee on Elections and Constitutional Law.

1 **AN ACT** *to amend* 11.06 (2); and *to create* 11.01 (12v), 11.01 (12w), 11.01 (13),
2 11.01 (14), 11.01 (16) (a) 3. and 11.05 (3) (s) of the statutes; **relating to:** the
3 scope of regulated activity under the campaign finance law.

Analysis by the Legislative Reference Bureau

Currently, individuals who accept contributions, organizations that make or accept contributions, and individuals who or organizations that incur obligations or make disbursements for the purpose of influencing an election for state or local office are generally required to register with the appropriate filing officer and to file financial reports with that officer, regardless of whether they act in conjunction with or independently of any candidate who is supported or opposed.

With certain exceptions, this bill imposes registration and reporting requirements, in addition, upon any individual who and organization that, within 60 days of an election and by means of one or more communications media, a mass distribution, a mass electronic communication, or a mass telephoning, makes any mass communication which includes a reference to a candidate for state office at that election, a state office to be filled at that election, or a political party. The bill also requires an individual or organization who or which becomes subject to a registration requirement by making such a communication to report, upon registration, the information that would have been required to be reported if the individual or organization had been registered with respect to any obligation incurred or disbursement made for the purpose of making such a communication prior to registration. The bill, however, does not require registration and reporting if the

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communication is made by a corporation, cooperative, or nonpolitical voluntary association and is limited to the corporation's, cooperative's, or association's members, shareholders, or subscribers.

The change in the scope of reportable activity under the bill also applies to contribution and disbursement (spending) limitations and restrictions by causing reportable "contributions," "obligations," and "disbursements" to include the cost of all reportable communications.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 11.01 (12v) of the statutes is created to read:

2 11.01 (12v) "Mass communication" means a message that is disseminated by
3 means of one or more communications media, a mass electronic communication, a
4 mass distribution, or a mass telephoning, but not including a bona fide poll
5 conducted for the purpose of objectively identifying or collecting data concerning the
6 attitudes or preferences of electors.

7 **SECTION 2.** 11.01 (12w) of the statutes is created to read:

8 11.01 (12w) "Mass distribution" means the distribution of 50 or more pieces of
9 substantially identical material.

10 **SECTION 3.** 11.01 (13) of the statutes is created to read:

11 11.01 (13) "Mass electronic communication" means the transmission of 50 or
12 more pieces of substantially identical material by means of electronic mail or
13 facsimile transmission.

14 **SECTION 4.** 11.01 (14) of the statutes is created to read:

15 11.01 (14) "Mass telephoning" means the making of 50 or more telephone calls
16 conveying a substantially identical message.

17 **SECTION 5.** 11.01 (16) (a) 3. of the statutes is created to read:

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1 11.01 (16) (a) 3. A mass communication, other than a communication that is
2 exempt from reporting under s. 11.29, that is made during the period beginning on
3 the 60th day preceding an election and ending on the date of that election, and that
4 includes a reference to a candidate for state office whose name is certified under s.
5 7.08 (2) (a) or 8.50 (1) (d) to appear on the ballot at that election, a reference to a state
6 office to be filled at that election, or a reference to a political party.

7 **SECTION 6.** 11.05 (3) (s) of the statutes is created to read:

8 11.05 (3) (s) In the case of a registrant that has made a mass communication
9 identified in s. 11.01 (16) (a) 3., a report containing the information specified in s.
10 11.06 (1) with respect to any obligation to make a disbursement incurred or any
11 disbursement made for the purpose of making such a communication prior to
12 registration.

13 **SECTION 7.** 11.06 (2) of the statutes is amended to read:

14 11.06 (2) DISCLOSURE OF CERTAIN INDIRECT DISBURSEMENTS. Notwithstanding
15 sub. (1), if a disbursement is made or obligation incurred by an individual other than
16 a candidate or by a committee or group which is not primarily organized for political
17 purposes, ~~and~~ the disbursement does not constitute a contribution to any candidate
18 or other individual, committee, or group, and the disbursement is not made or the
19 obligation is not incurred for the purpose of making a mass communication specified
20 in s. 11.01 (16) (a) 3., the disbursement or obligation is required to be reported only
21 if the purpose is to expressly advocate the election or defeat of a clearly identified
22 candidate or the adoption or rejection of a referendum. The exemption provided by
23 this subsection shall in no case be construed to apply to a political party, legislative
24 campaign, personal campaign or support committee.

25 **SECTION 8. Initial applicability.**

